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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,930	11/16/2005	Grant Charlwood	U 015796-2	6576
140	7590	05/12/2008		
LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023			EXAMINER HOLLOWAY, JASON R	
			ART UNIT 4165	PAPER NUMBER
			MAIL DATE 05/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/536,930

Applicant(s)

CHARLWOOD, GRANT

Examiner

JASON HOLLOWAY

Art Unit

4165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 11/16/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-20, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Player (4,109,437).

As per claim 1, Player teaches a cladding element for use in a cladding element assembly (Abstract) including:

a substantially flat web (15) having a pair of opposed longitudinal edges (16,17) (Column 3, lines 22-23 and Figure 2 items 15, 16 and 17);

a male rib formation (19A) extending at least partially along one longitudinal edge and having a pair of spaced apart inner and outer upstanding ribs and an engaging formation (Column 3, lines 36-37 and Figure 2 item 19A);

a female rib formation (20) extending at least partially along the other longitudinal edge and having an inner upstanding rib, an outer depending rib and a joining section, between the inner and outer ribs and displaced from the plane of the web, and a corresponding engaging formation (Column 2 lines 20-25);

at least one of the male or female rib formations being at least partially resiliently flexible (Column 4 lines 24-26);

the element is adapted for assembly with a like element by positioning of the male formation substantially within the female formation with their respective engaging formations in engagement, whereby the assembled male and female formations together form a substantially rectangular closed channel adapted for concealment of fixing means used to fix the cladding elements to a supporting structure (in Figures 3-8, male locking means engage substantially within the female formation and forms a substantially rectangular closed channel adapted for concealment of fixing means to fix the panel to an I-beam).

As per claim 2, Player teaches a building panel when the major visible surface of the web is the side remote from the male and female formations, the fixing means are positioned between the inner and outer ribs of the male formation (in Figures 2-6, and 8, the fixing means are shown positioned in a location in between the inner and outer ribs of the male formation of the building panel).

As per claim 3, Player teaches a building panel when the major visible surface of the web is the side adjacent to the male and female formations, the fixing means are positioned in the joining section (Figures 2,5,6 and 8, the fixing means are shown positioned in the joining structure of the building panel).

As per claim 4, Player teaches a building panel where the engaging formation of the male rib formation is a flange angled inwardly and towards the web on the distal end of the inner male rib formation and the corresponding engaging formation of the

female rib formation is a flange angled inwardly and away from the web on the distal end of the outer female rib formation (Column 2 lines 3-33, and Figures 3-6. The shape and position of the male and female formations which are construed by the examiner to be the same general formations as claimed).

As per claim 5, Player teaches a building panel wherein at least one of the inner male rib or the outer female rib are flexible to allow resilient flexing displacement as the angled flanges ride over one another during engagement. (Column 4 lines 24-26).

As per claim 6, Player teaches a building panel wherein the male and female rib formations are both resiliently flexible (Column 4 lines 24-26).

As per claim 7, Player the engaging formation of the male rib formation is an outwardly directed flange on the distal end of the outer male rib formation and the corresponding engaging formation of the female rib formation is an outwardly directed recess on the distal end of the inner female rib formation (Column 1, lines 49-68 and Column 2, lines 1-26 refer to the engaging formation of the panel).

As per claim 8, Player teaches a building panel wherein the engaging formation of the male rib formation includes a flange angled inwardly (31) and towards the web on the distal end of the inner male rib formation and the corresponding engaging formation of the female rib formation is a flange angled inwardly and away (26) from the web on the distal end of the outer female rib formation; and an outwardly directed flange on the distal end of the outer male rib formation and the corresponding engaging formation of the female rib formation is an outwardly directed recess on the distal end

of the inner female rib formation (Column 1 lines 37-68 and Column 2 lines 1-45 refer to the engaging formation of the panel).

As per claim 9, Player teaches a building panel wherein the proximal end of the outer male rib formation includes an outwardly convex formation adapted to engage with an inwardly concave formation on the proximal end of the outer male rib formation (Figures 2-8 show web formations which can be interpreted as being convex and concave in order to engage with one another).

As per claim 10, Player teaches a building panel wherein the cladding element is formed from a single piece of roll formed steel (Column 1 lines 5-6 describe "Construction panels are generally formed from sheet aluminum or steel..." The examiner construes from Figure 2 the individual panels are created from a single piece of metal).

As per claim 11, Player teaches a building panel wherein the male rib formation is formed by folding some of the web back on itself (Column 4 lines 5-7).

As per claim 15, Player teaches a building panel wherein the web includes a plurality of longitudinal stiffening channels (Figure 2 shows the use of at least three longitudinal stiffening channels).

As per claim 16, Player teaches a building panel wherein the web includes two longitudinal stiffening channels (Figure 2 shows the use of at least three longitudinal stiffening channels).

As per claim 17, Player teaches a building panel wherein the channels are convex towards the rib formations (The channels as disclosed in Figure 2 can be

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construed to be angled in a convex formation toward the stiffening channel of the panel).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Player in view of Simpson (5,697,197).

As per claims 12-14, Player teaches all the structural elements of the claimed invention, but fails to explicitly disclose a layer of adhesive is included between at least some of the web that is folded back on itself, the layer of adhesive is an adhesive strip, and the layer of adhesive is a glue.

Simpson teaches a roof panel having a layer of adhesive (via sealant 276 that is included between at least some of the web that is folded back on itself; Column 20 line 67 and Column 21 lines 1-6 and in Figures 15D-15J).

Simpson further teaches the layer of adhesive is an adhesive strip (via a longitudinal strip of sealant; Column 22, lines 22-25).

Simpson also teaches the layer of adhesive is a glue (Column 22 lines 33-38, Column 31 lines 1-4; The examiner construes the use of mastic type sealant to be virtually the same as a glue adhesive).

Therefore, from the teaching of Simpson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Player to include the layer of adhesive taught by Simpson as the use of sealant between the webs increases the ability to resist wind loads and aids in keeping moisture out of the structure.

As per claim 18, Player discloses a building panel for use in a cladding element assembly (abstract) including:

a substantially flat web (Column 3 lines 22-23 and Figure 2 items 15);

a longitudinal interlocking formation formed by folding at least some of the web back on itself (Column 3 lines 36-37, Figure 2 items 19 and 19A and Column 4 lines 5-7);

However, Player fails to explicitly disclose a layer of adhesive is included between at least some of the web that is folded back on itself (Column 20 line 67 and Column 21 lines 1-6 and in Figures 15D-15J).

Therefore, from the teaching of Simpson, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the panel of Player to include the layer of adhesive of Simpson as the use of sealant between the webs increases the ability to resist wind loads and aids in keeping moisture out of the structure.

Claims 19 and 20 recite the same limitations as per claims 13 and 14, therefore they are rejected under the same rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The reference Blazley (4,759,159) teaches male and female interlocking building panels having concave and convex stiffening ribs.

The reference Blazley (4,896,466) teaches male and female interlocking panels.

The reference Kaizer (5,542,409) teaches concave and convex stiffening ribs used for roofing and siding panel construction.

The reference Wetzel, III et al (6,543,197) teaches snap-fitting wall panels.

The reference Beck (6,134,855) teaches building panels made of flexible material.

The reference Wearne (6,128,866) teaches male and female connecting building panels.

The reference Funaki et al. (5,845,446) building structures fit together with male and female portions.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HOLLOWAY whose telephone number is (571) 270-5786. The examiner can normally be reached on M-F 7:30-5; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JASON HOLLOWAY
Examiner
Art Unit 4165

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 4165